

# Isolation and Quarantine

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## Arizona Law & Applications

# Definitions

- Isolation

- The separation of an individual, or individuals, infected with a communicable disease from non-infected individuals

- Quarantine

- The separation of an individual, or individuals, exposed to a communicable disease, from non-infected and non-exposed individuals

# Rationale for Isolation & Quarantine

- Isolation is a fairly common **infection control** measure used to prevent the spread of disease to non-infected family, healthcare professionals, patients, etc.
- Quarantine is an extreme **public health** measure used to prevent the spread of disease to the community

# When might Isolation & Quarantine be Considered

- Isolation is used primarily in health care facilities with highly infectious patients (e.g., varicella, measles, TB)
- Quarantine is used in extreme circumstances when disease spread cannot be prevented by other means, such as by post-exposure prophylaxis (e.g., SARS)
- Quarantine is also used when exposed individuals refuse other disease prevention means, such as vaccination (e.g., smallpox)

# Existing Legislation

- County Statute – 36-624
- Public Health Emergency Statute – 36-787
- Due Process – 36-788-9
- TB Statute – 36-711-736?

## 36-624. Quarantine and sanitary measures to prevent contagion

- When a county health department or public health services district is apprised that infectious or contagious disease exists within its jurisdiction, it shall immediately make an investigation.
- If the investigation discloses that the disease does exist, the county health department or public health services district may adopt quarantine and sanitary measures consistent with department rules and sections (ARS) 36-788 and 36-789 to prevent the spread of the disease.
- The county health department or public health services district shall immediately notify the department of health services of the existence and nature of the disease and measures taken concerning it.



## 36-787. Public health authority during state of emergency or state of war emergency

- A. During a state of emergency or state of war emergency declared by the governor in which there is an occurrence or imminent threat of an illness or health condition caused by bioterrorism, an epidemic or pandemic disease or a highly fatal infectious agent or biological toxin and that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability, the department shall coordinate all matters pertaining to the public health emergency response of the state. The department has primary jurisdiction, responsibility and authority for:



# State of Emergency Provisions 36-787.A (cont.)

1. Planning and executing public health emergency assessment, mitigation, preparedness response and recovery for this state.
2. Coordinating public health emergency response.
3. Collaborating with relevant authorities.
4. Coordinating recovery operations.
5. Organizing public information activities.
6. Establishing, a process for temporary waiver of the professional licensure requirements.
7. Granting temporary waivers of health care institution licensure requirements





# Medicine, Vaccines, & Transportation

## 36-787.B

B. In addition to the authority provided in subsection A of this section, the governor, in consultation with the director of the department of health services, may issue orders that:

1. Mandate medical examinations for exposed persons.
2. Ration medicine and vaccines.
3. Provide for transportation of medical support personnel and ill and exposed persons.
4. Provide for procurement of medicines and vaccines.



# Mandated Treatment & Quarantine

## 36-787.C

- C. In addition to the authority provided in subsections A and B, during a state of emergency or state of war emergency in which there is an occurrence or the imminent threat of smallpox, plague, viral hemorrhagic fevers or a highly contagious and highly fatal disease with transmission characteristics similar to smallpox, the governor, in consultation with the director of the department of health services, may issue orders that:
1. Mandate treatment or vaccination of persons who are diagnosed with illness resulting from exposure or who are reasonably believed to have been exposed or who may reasonably be expected to be exposed.
  2. Isolate and quarantine persons.



# Enforcement & HIV Exclusion

## 36-787.D-E

- D. Law enforcement officials of this state and the national guard shall enforce orders issued by the governor under this section.
- E. Diseases subject to this section do not include acquired immune deficiency syndrome or other infection caused by the human immunodeficiency virus.

# Limits on Quarantine Authority

## 36-787.F

F. If during a state of emergency or state of war emergency the public health is not endangered, nothing in this title shall authorize the department or any of its officers or representatives to impose on any person against the person's will any mode of treatment, provided that sanitary or preventive measures and **quarantine** laws are complied with by the person.

Nothing in this title shall authorize the department or any of its officers or representatives to impose on any person contrary to his religious concepts any mode of treatment, provided that sanitary or preventive measures and **quarantine** laws are complied with by the person.



## 36-788. Isolation and quarantine during a state of emergency or state of war emergency

A. Subject to the provisions of this article, persons who have contracted the disease or who have been exposed to the disease may be subject to isolation and quarantine if the director determines that quarantine is the least restrictive means by which the public can be protected from transmission of the disease ...

# Quarantine Location Provisions

## 36-788.B

B. The department or local health authority may, during the state of emergency or state of war emergency declared by the governor, do the following:

1. Establish and maintain places of isolation and quarantine, which may include the residence of the person quarantined.
2. Require isolation or quarantine of any person by the least restrictive means necessary to protect the public health. The department or local health authority shall use all reasonable means to prevent the transmission of disease among the isolated or quarantined persons.

# Quarantine Facility Requirements 36-788.C

C. The department, a county health department or a public health services district shall ensure, to the extent possible, that the premises in which a person is isolated or quarantined is maintained in a safe and hygienic manner and is designed to minimize the likelihood of further transmission of disease or other harm to a person subject to isolation or quarantine.

Adequate food, clothing, medication and other necessities, competent medical care and means of communicating with those in and outside these settings shall be made available.



# Mobility Limits During Quarantine

## 36-788.D

D. A person subject to isolation or quarantine shall comply with the department's or local health authority's rules and orders, shall not go beyond the isolation or quarantine premises and shall not come in contact with any person not subject to isolation or quarantine other than a physician or other health care provider, department or local health authority or person authorized to enter an isolation or quarantine premises by the department or local health authority.



# Access & Quarantine Termination

## 36-788.E-F

- E. Other than a person authorized by the department or local health authority, a person shall not enter an isolation or quarantine premises. If, by reason of an unauthorized entry into an isolation or quarantine premises, the person poses a danger to public health, the department, or local health authority may place the person in isolation or quarantine pursuant to this section or section 36-789.
- F. The department, or local health authority must terminate isolation or quarantine of a person if it determines that the isolation or quarantine is no longer necessary to protect the public health.

## 36-789. Due process for isolation and quarantine during a state of emergency or state of war emergency

- Can issue quarantine w/o court order if any delay would pose immediate and serious threat
- Petition for court order must be filed in 10 days
- Notice of filing of petition must be given to affected person(s) w/i 24 hours
- Hearing on petition must be held within 5 days of filing, may apply for 10 day continuance
- Court order for quarantine up to 30 days, may apply for additional 30 day continuance
- Affected person may ask the court to show cause – w/i 48 hours
- Affected person may ask for a hearing for release – w/i 10 days
- The court shall appoint counsel at state expense
- Court may consolidate individual claims into group claims

